

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Ho on 1/26/2010.

The application has been amended as follows:

1. A computer-implemented method ~~of~~ for playing a game, the method comprising:

providing a first player with a sensor and a second player with a another sensor for measuring brain wave frequencies of the players, wherein the sensors are in communication with a processor;

the processor is configured to receive inputs from the sensors and outputs a command so that ~~the first player~~ rolling a unit rolls on top of a playing area in an x-direction toward a goal area of a the first player when the brain wave frequency of the first player is between 3-12 Hz and the brain wave frequency of the first player is below a brain wave frequency of the second player, wherein moving the unit into the goal area of the first player establishes the first player as the winner of the game, and

the first player increasing a velocity of the unit by lowering the brain wave frequency of the first player towards 3 Hz.

The following is an examiner's statement of reasons for allowance: The most relevant prior art is Brotz (US 5,213,338). Brotz discloses the opposite of applicant's invention. Brotz discloses the winner being the player with the higher brain wave frequencies, while applicant's invention claims the winning being the winner with the lower brain wave frequencies. Modifying Brotz's principle to the exact opposite criteria would not be obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SENG H. LIM whose telephone number is (571)270-3301. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H. L./  
Examiner, Art Unit 3714